

ORDINANCE NO. 440

AN ORDINANCE OF THE CITY OF EL LAGO, TEXAS AMENDING CHAPTER 15, ARTICLE II “DRIVEWAYS” BY AMENDING SECTION 15-17 TO PROVIDE THAT THE PERMIT OFFICER TO CONSIDER AN APPLICATION FOR A DRIVEWAY CONSTRUCTION PERMIT SHALL BE THE BUILDING OFFICIAL; AMENDING SECTION 15-17 TO PROVIDE THAT THE FEE FOR THE ISSUANCE OF A PERMIT FOR THE CONSTRUCTION OF A DRIVEWAY SHALL BE FORTY DOLLARS (\$40.00); ADDING A NEW SECTION 15-20 TO PROVIDE THAT THE PROVISIONS OF ARTICLE II DO NOT APPLY IN ZONING DISTRICT ZONE A; MAKING CERTAIN FINDINGS; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, Section 15, Article II of the City’s Code of Ordinances provides for the requirement of obtaining a permit to construct a driveway and for certain requirements for the construction of driveways in the City; and

WHEREAS, the Planning and Zoning Commission has recommended to the City Council that the City Council amend the Zoning Ordinance of the City by adding certain provisions regarding the regulation of the construction of driveways in Zoning District Zone A, Limited One-Family Zoning Residential District; and

WHEREAS, the City Council has determined to approve the recommendation of the Planning and Zoning Commission regarding the construction of driveways in Zoning District Zone A; and

WHEREAS, the City Council desires to maintain the requirements of obtaining a permit contained in Chapter 15, Article II for other Zoning District Zones in the City but to have those requirements conform to the requirements to be added to the Zoning Ordinance for Zoning District Zone A; and

WHEREAS, in order to conform the provisions of Chapter 15, Article II to the newly added provisions to the Zoning Ordinance it is necessary that Chapter 15 Article II be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL LAGO, TEXAS:

Section 1.

The findings contained in the preamble to this Ordinance are determined to be true and correct and are hereby adopted as a part of the Ordinance.

Section 2.

Sec. 15-17 of Chapter 15, Article II, entitled "Permit-Required, application, fee" is amended as follows:

Sec. 15-17. Permit-Required, application, fee.

Any person desiring to cut any curb or otherwise construct any driveway for the purpose of ingress and egress to and from the property to be served shall make application for a permit to the ~~city secretary~~ building official. The application shall be in writing and shall be accompanied by a plat or map of the property upon which the driveway is to be located. The ~~city secretary~~ building official shall charge a minimum fee of ~~thirty-five~~ forty dollars ~~(\$35.00)~~ (\$40.00) for the issuance of the permit. The fee shall cover the expenses of the issuance of the permit.

Section 3.

Chapter 15, Article II is amended by adding a new subsection 15-20, as follows:

The provisions of this Article II shall not apply to Zoning District Zone A as described in the Zoning Ordinance.

Section 4. Severability.

In the event that any provision, section, subsection, sentence, clause, or phrase of this Ordinance or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

PASSED, APPROVED AND ADOPTED this the 18th day of July, 2016.

ROBERT WHITE
Mayor
City of El Lago, Texas

ATTEST:

ANN VERNON
City Secretary
City of El Lago, Texas

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